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Security Council

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Letter dated 21 August 2000 from the Permanent Representative of Togo to the United Nations addressed to the President of the Security Council

With reference to Security Council resolution 1295 (2000) of 18 April 2000, I have the honour to draw your attention to the following.

The Government of Togo welcomes the recent establishment of the monitoring mechanism as provided for in Security Council resolution 1295 (2000) and reiterates that it is prepared to cooperate closely with that mechanism and to assist it in the execution of its mandate.

In view of the prospect of a tour of Africa by the members of the monitoring mechanism, the Government of Togo deems it appropriate to provide a brief recapitulation of the problems raised by the allegations contained in the report of the previous United Nations Panel of Experts dated 8 March 2000 (S/2000/203).

While the report of the Interministerial Commission of Inquiry (S/2000/326) addressed each individual allegation raised against the Government of Togo, recent assertions by some countries call for a clarification of the following three points on which the good faith of the Government of Togo has been called into question, namely, Angolans residing in Togo, the holding of Togolese passports by Angolan citizens, and probiems relating to military equipment.

1. Angolans residing in Togo

From 1997, 36 Angolan pupils and two Angolan students resided in Togo; they were accompanied by 18 adults, who were their parents.

Thus, there was a total of 56 persons, none of whose names appeared on the list of officials and representatives of the União Nacional para a Independência Total de Angola (UNITA) and the adult members of their families, which was drawn up by the Security Council Committee established pursuant to resolution 1127 (1997) concerning sanctions against Angola.

All 56 persons left Togo in May 2000. At present, there are no Angolan citizens in Togolese territory.

The list of Angolans expelled by Togo was the subject of my letter dated 1 June 2000 addressed to the President of the Security Council (S/2000/514) (see also annex I).

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Since that time, the security forces and customs authorities have been strictly instructed to refuse entry into Togolese territory to all persons referred to in Security Council resolution 1127 (1997) (see annex II, Directive No. 466 of 17 May 2000 of the Minister of National Defence).

2. Problems relating to the issue of Togolese passports to Angolan citizens

First of all, it should be noted that no Togolese diplomatic passports have been issued to Angolans since the Security Council's adoption of sanctions against UNITA.

However, it is true that, in order to make life simpler, the Togolese State granted ordinary passports to a group of Angolans residing in Togo. The youngest children were not issued passports since they were included in their parents' passports. These passports were permanently revoked in May 1999.

For the past year, no Angolan citizen has legally held a Togolese passport.

3. Problems relating to military equipment

The problems relating to military equipment are both more complex and varied. They concern orders that allegedly were placed on behalf of UNITA; military equipment in transit; and confiscated military equipment.

3.1 Orders placed on behalf of UNITA

Since 1997, the Togolese Government, represented by its Minister of National Defence, has issued only one certificate of non-re-export of military equipment. The certificate was issued directly to a representative of UNITA, since Togo itself had not placed any order whatsoever.

A copy of this certificate may be consulted at any time.

Since that time, no certificates have been issued. If it was found that documents of this type, drawn up on behalf of Togo, were in circulation, such documents could only be counterfeit.

3.2 Military equipment in transit in Togo

Generally speaking, the problem of air transit is complex and no State can ensure absolute compliance with its laws and regulations. For its part, Togo wishes to affirm, clearly and resolutely, the reality of what could have taken place and to reiterate in no uncertain terms its goodwill.

It has been established that, on 17 and 18 May 1997, military equipment was in transit at Niamtougou, during President Mobutu's visit to Togo. The equipment was immediately reloaded.

Nevertheless, it should be stated - and this can be confirmed by representatives of the Agency for the Safety of Air Navigation in Africa and Madagascar (ASECNA) - that it is not impossible that aircraft transporting equipment intended for UNITA could have landed in Togo for refuelling or as a result of a technical problem.

The instructions drawn up by the head of State in 1997 were clear and unambiguous: they prohibited all transit of goods to UNITA.

The good faith of the airport authorities could have been abused only if aircraft destined for UNITA indicated that they were planning to fly to Luanda or to countries bordering Angola.

Finally, it should be noted that a directive dated 12 July 2000 and signed by the Minister of National Defence (see annex III) prohibits the transit through Togolese territory of military equipment intended for UNITA.

3.3 Military equipment confiscated by Togo

It should be recalled that, in July 1997, only one certificate of final destination was signed. The Minister of National Defence informed the head of State only after the certificate had been issued. When he received such notification, the head of State expressed his complete disagreement and ordered the confiscation of the equipment that had not yet been sent to UNITA bases.

The confiscated equipment is still in Togo and can be inspected at Camp Landja de Kara. Since that time, no military equipment has been unloaded on Togolese soil.

I should be grateful if you would have the text of this letter and its annexes circulated as a document of the Security Council.

(*Signed*) Roland Y. **Kpotsra**

Annexes to the letter dated 21 August 2000 from the Permanent Representative of Togo to the United Nations addressed to the President of the Security Council

Annex I

Order No. 349 of the Ministry of the Interior, Security and Decentralization concerning expulsion

The Minister of the Interior, Security and Decentralization,

Having regard to the Constitution of 14 October 1992,

Having regard to Decree No. 96-103/PR of 2 October 1996 concerning the competence and organization of the Ministry of the Interior and Security,

In the light of the act of 20 September 1960 concerning the admission of Togo to membership of the United Nations,

In the light of United Nations Security Council resolution 1127 (1997), which prohibits travel by members of UNITA,

Having examined the report of the Governmental Commission of Inquiry,

Decides:

Article 1. Pursuant to resolutions of the United Nations Security Council concerning sanctions against UNITA, the Angolan nationals listed below are expelled from Togolese territory as of 16 May 2000.

The names of said persons are:

1. **Pena Lizeth** N. Satumbo
2. **Vindes Esandjur** R. Diamantino
3. **Fernandes** Alzira Maria
4. **Satumbo** Liliana Esperança Dachala
5. **Mundombe** Marlene Dachala
6. **Sapalalo** V. M. Salumbo
7. **Baptista** V. João Rodrigues
8. **Gato** Luisa Lussinga
9. **Samy** Gabriel da Fonseca
10. **Jeremias** Dekas Denis
11. **Tunga** Jacinto D. B. Feliz
12. **Sakaita** Rosa Chikumbo
13. **Kapule** Domino
14. **Kapamba** George
15. **Matuzu** João Arlette

16. **Gato** Pedro
17. **Kantumbele** A. Feliz
18. **Kapamba** D. G. Matias
19. **Vindes Yakumbni** Rosa
20. **Vindes Alice** Tchikumbu
21. **Bernardino** Arlette
22. **Oliveira** Ariete Silimuila
23. **Sakaita** Araujo Tao
24. **Sakaita** Pedro Sanjenguela
25. **Martinho Vindes** Martinho
26. **Vindes** Celestina Jamba
27. **Vindes** Augusto
28. **Alicerces** Joaquim Ulombe Lutukuta
29. **Alicerces** Natalia
30. **Pena** Loth M. Salupeto
31. **Sakaita** Wandy Esula
32. **Paulo** Filomena Claudeth
33. **Sakaita** Ismael Mac-Mahon S.
34. **Pena** Ezequiel Satumbo Salupeto
35. **Sakaita** Kacekele Inâcio
36. **Sakaita** Araujo S.
37. **Pena** Edna V. Kassandali
38. **Sakaita** Celita Navimbi
39. **Dembo** Amândio João
40. **Dembo** Antônio Sebastião
41. **Sakaita** Eloi Sassandali
42. **Mulato** Helena Mbundu
43. **Lucas** Olga da Piedade
44. **Kalala** Joana Isabel
45. **Alicerces** Cathya Marina Rita
46. **Kassesse** Georges Wandakeya
47. **Kalufele** José Dias
48. **Tunga** Felizarda Feliz
49. **Kamalata** Sebastião Dembo

50. **Alicerces** Bartolomeu Paulo

51. **Bonga** Aldo Pedro Paulo

52. **Alicerces** Paulo Bartolomeu Mango

53. **Kassesse** Pedro

54. **Mundombe** João

55. **Tunga** José Tao

56. **Sakaita** Arlette Kassandali

Article 2. The Director-General of the National Police and the Chief of Staff of the National Gendarmerie are each charged with the execution of this order, which shall be published in the Official Gazette of the Togolese Republic.

Done at Lomé, 15 May 2000

(*Signed*) General Sizing Akawilu **Walla**

Certified copies:

The President	1
The Primate	1
Ministry of Foreign Affairs and Cooperation	1
Ministry of Justice	1
Director-General of Customs	1
Chief of Staff of the National Gendarmerie/Togolese Armed Forces	1
Official Gazette of the Togolese Republic	1

Annex II

Directive No. 466 on the security of frontiers

With effect from today, the security forces involved in the area of immigration, shall take all measures to prohibit the entry into Togo of any person referred to in United Nations Security Council resolutions concerning sanctions against UNITA.

Lomé, 17 May 2000

(*Signed*) Brigadier General Assani **Tidjani**

To:

Ministry of Justice (for information)

Ministry of the Interior, Security and Decentralization

Ministry of Foreign Affairs and Cooperation (for dissemination)

Chief of Staff of the National Gendarmerie/Togolese Armed Forces

Annex III

Directive No. 764 on transit of military equipment intended for UNITA

With effect from today, all transit by land, air and sea in Togolese territory of military equipment intended for UNITA is prohibited in accordance with the sanctions adopted by the United Nations.

In the event of violation, the administrative responsibility of those who have committed the violation shall be dealt with in accordance with the regulations currently in force.

Lomé, 12 July 2000

(*Signed*) Brigadier General Assani **Tidjani**

To:

Ministry of Justice

Ministry of the Interior, Security and Decentralization

Ministry of Foreign Affairs and Cooperation (for dissemination)

National Commission of Inquiry

Chief of Staff of the National Gendarmerie/Togolese Armed Forces

Ministry of the Economy, Finance and Privatization

Ministry of Transport and Water Resources